IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGRH

C.W.P. No.16330 of 2006
Date of decision:October 13,2006

Hari Kishan Prashar V. Haryana State Industrial and Infrastructure Development Corporation Limited and others

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR.JUSTICE P.S.PATWALIA

Present: Shri Shiv Kumar, Advocate, for the petitioner.

Viney Mittal,J.

The petitioner has approached this court, challenging the communication dated May 1,2006 (Anexure P/6) and communication dated July 17,2006 (Annexure P/8) from the Assistant General Manager, Haryana State Industrial and Infrastructure Development Corporation Limited (hereinafter referred to as " the Corporation),respondent No.2, whereby the application filed by the petitioner for allotment of an industrial plot of 500 sq. metres in IMT Manesar, District Gurgaon was rejected.

In pursuance to an advertisement issued by the Corporation, the petitioner applied for allotment of an industrial plot in Industrial Estate IMT Manesar through an application dated December 18,2002. Along with the application, the petitioner deposited an earnest /application money of Rs.1,10,000/-. It is claimed by him that he also submitted a project report for setting up a weigh bridge.

The petitioner claims that in pursuance to the aforesaid application, he was required to appear before the Allotment Committee of the respondent-Corporation. He, accordingly, appeared before the said Committee and submitted all the requisite documents. The petitioner

received a communication dated February 10,2004, informing him that his request for allotment of a plot could be considered in Sector-7, Phase II, IMT Manesar, if the petitioner could give preference of plot number,if any. According to the petitioner, he intimated his preference for allotment of plot No.155-K, Sector-7, Phase II IMT Manesar for the aforesaid project. The application filed by the petitioner remained pending with the Corporation for some time. The petitioner claims that he continued pursuing the said application. Ultimately, the petitioner received a communication dated May 1,2006 from the Corporation informing him that the Allotment Committee had observed that no plot of 450 sq. metres was available for allotment and also there is no provision for allotment of plot for setting up a weigh bridge in IMT Manesar. Consequently, the application filed by the petitioner was rejected, and the application money of Rs.1,10,000/- deposited by him was refunded through a cheque. A copy of the aforesaid communication has been appended as Annexure P/6 with the present petition.

The petitioner replied to the aforesaid communication through his reply dated May 31,2006 (Annexure P/7). He persisted that his application was wrongly rejected by the Allotment Committee and that he is entitled to the allotment of a plot. He referred to the earlier communication of the year 2004 whereby the Corporation had required to the petitioner to intimate specific plot number for allotment. The petitioner also returned back the cheque with regard to the application money, sent to him by the Corporation.

In response to the aforesaid representation/reply of the petitioner, the petitioner received another communication dated July 17,2006 (Annexure P/8) whereby he was informed by the Corporation that the communication dated February 10.2004 was merely a communication by the Corporation seeking the consent of the petitioner to consider his

application for allotment of a plot in Sector-7,Phase II, instead of Phase I but after receipt of the aforesaid consent from the petitioner, the matter was examined by the Allotment Committee in its meeting held on December 9,2005 and the said Committee had rejected the application filed by the petitioner. Along with the aforesaid response, a cheque for Rs.1,10,000/- was again returned back to the petitioner.

It is in the circumstances that the petitioner has approached this court.

After hearing the learned counsel for the petitioner and taking into consideration the various averments made in the present petition, we are satisfied that the grievance made by the petitioner is absolutely without any merit.

The petitioner had applied for allotment of an industrial plot for setting up a weigh bridge. The original application filed by the petitioner was with regard to allotment of a plot in Phase I in IMT Manesar but vide a communication dated February 10,2004, annexure P/7, he was required to give his consent for consideration of his application for allotment of a plot in Sector -7, Phase II. At no point of time the Corporation had assured that the claim of the petitioner had been accepted by the Corporation and that he was to be allotted a plot. Although the petitioner gave his consent and even indicated the plot number, which he preferred to be allotted to him, but still the Allotment Committee of the Corporation considered the project of the petitioner in its meeting held on December 9,.2005 and did not accept the same for allotment of a plot. We do not find that the petitioner has any vested right for allotment of any plot. His application was duly considered by the Corporation but was not accepted.

Consequently, we find no merit in the present petition. The same is dismissed.

(Viney Mittal)
Judge

(P.S. Patwalia)
Judge

October 13,2006
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